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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. *2011-1004*

13 **SARAH LINTON,**
14 **aka SARAH N. LINTON**
15 **372 Ogden Street**
16 **Denver, CO 80218**

STATEMENT OF ISSUES

Respondent.

17 Complainant alleges:

PARTIES

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about September 4, 2010, the Board received an online application for
22 licensure by endorsement from Sarah Linton, also known as Sarah N. Linton ("Respondent").
23 That same day, Respondent certified that all information provided in the application was true,
24 correct, and complete. The Board denied the application on January 18, 2011.

STATUTORY AND REGULATORY PROVISIONS

25 3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that
26 the Board may deny a license when it finds that the applicant has committed any acts constituting
27 grounds for denial of licensure under section 480 of that Code.
28

1 4. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds
3 that the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action which a board is permitted to take following the
7 establishment of a conviction may be taken when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal, or when an order granting
9 probation is made suspending the imposition of sentence, irrespective of a subsequent
10 order under the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud or deceit with the intent to
12 substantially benefit himself or another, or substantially injure another; or

13 (3)(A) Done any act that if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the
16 crime or act is substantially related to the qualifications, functions, or duties of the
17 business or profession for which application is made . . .

18 5. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct . . .

22 (4) Denial of licensure, revocation, suspension, restriction, or any other
23 disciplinary action against a health care professional license or certificate by another
24 state or territory of the United States, by any other government agency, or by another
25 California health care professional licensing board. A certified copy of the decision
26 or judgment shall be conclusive evidence of that action

27 (f) Conviction of a felony or of any offense substantially related to the
28 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof . . .

6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions and
duties of a registered nurse is deemed to be a conviction within the meaning of this
article. The board may order the license or certificate suspended or revoked, or may
decline to issue a license or certificate, when the time for appeal has elapsed, or the
judgment of conviction has been affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence, irrespective of a subsequent

1 order under the provisions of Section 1203.4 of the Penal Code allowing such person
2 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information or indictment.

3 7. California Code of Regulations, title 16, section 1444 states, in pertinent part:

4 A conviction or act shall be considered to be substantially related to the
5 qualifications, functions or duties of a registered nurse if to a substantial degree it
6 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

7
8 (c) Theft, dishonesty, fraud, or deceit . . .

9 **FIRST CAUSE FOR DENIAL**

10 **(Criminal Conviction)**

11 8. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
12 subdivision (f); 480, subdivision (a)(1), and 480, subdivision (a)(3)(A), in that on or about June
13 23, 2010, in the criminal proceeding titled *State of Vermont v. Sarah Linton* (Vermont Super Ct.
14 Chittenden Criminal Division, 2010, Case No. 1030-3-10 Cncr), Respondent pled nolo
15 contendere to violating 13 V.S.A. 2002 (false pretenses or false tokens \$900 or less, a
16 misdemeanor), a crime substantially related to the qualifications, functions, and duties of a
17 registered nurse. The circumstances of the crime are as set forth in paragraph 9 below.

18 **SECOND CAUSE FOR DENIAL**

19 **(Disciplinary Action by the Vermont State Board of Nursing)**

20 9. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
21 subdivision (a)(4), and 480, subdivision (a)(3)(A), on the grounds of unprofessional conduct, in
22 that she was disciplined by the Vermont State Board of Nursing ("Vermont Board"), as follows:
23 On or about May 12, 2010, pursuant to the Stipulation and Consent Order in the disciplinary
24 proceeding titled "In Re: Sarah N. Linton, License No. 026.0028696", Docket No. 2008-74, the
25 Vermont Board conditioned or restricted Respondent's license to practice as a registered nurse for
26 a minimum of one (1) year and until Respondent completes any conditions or restitution ordered
27 by the Chittenden District Court (Vermont Superior Court). A true and correct copy of the

28 ///

1 Stipulation and Consent Order is attached as exhibit A and incorporated herein. Respondent
2 admitted as follows:

3 a. On or about February 12, 2008, the Board received a complaint from Dr. R.G.,
4 advising that Respondent was under investigation by local, state, and federal authorities for fraud.

5 b. Respondent and Dr. R.G. had been in a personal relationship that ended prior to Dr.
6 R.G.'s report to the Vermont Board.

7 c. On or about May 23, 2008, in an interview with State Investigator Gregory Kelly, Dr.
8 R.G. stated that in or around August 2006, Respondent advised her insurance company that she
9 had lost the engagement ring Dr. R.G. gave her, when in reality, she did not lose the ring. Dr.
10 R.G. advised that Respondent had obtained \$8,000 for this fraudulent claim. Moreover, Dr. R.G.
11 advised that after his relationship with Respondent ended, he found out that she had fraudulently
12 and without his permission opened a credit card in his name, and charged approximately \$22,000
13 in purchases with the card without his permission.

14 d. On or about January 9, 2009, in an interview with Investigator Kelly, Respondent
15 admitted that she had reported to her insurance agency that she had lost the engagement ring in
16 order to be paid \$8,000 for the ring when the ring was never lost. Respondent also admitted that
17 in or around March 2007, she had opened a credit card in Dr. R.G.'s name and had charged
18 purchases on the card without Dr. R.G.'s knowledge.

19 e. On or about April 10, 2010, Respondent entered into a plea agreement in the criminal
20 proceeding identified above in which she agreed to pay restitution in the amount of \$8,205 to
21 State Farm and restitution in the amount of \$13,877.14 to Chase Bank.

22 **THIRD CAUSE FOR DENIAL**

23 **(Dishonesty, Fraud or Deceit)**

24 10. Respondent's application is subject to denial pursuant to Code section 480,
25 subdivision (a)(2), in that she committed acts involving dishonesty, fraud, or deceit with the intent
26 to substantially benefit herself or another, or substantially injure another, as set forth in
27 paragraphs 8 and 9 above.

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Sarah Linton, also known as Sarah N. Linton, for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6-28-11



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A
STIPULATION AND CONSENT ORDER

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
SARAH N. LINTON)
License No. 026.0028696)

Docket No. 2008-74

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Sarah N. Linton, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct, 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. §§ 1582 and 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Sarah N. Linton (the "Respondent") of Superior, Colorado is licensed by the State of Vermont as a Registered Nurse under license number 026.0028696. This license was originally issued on or about April 1, 2007 and lapsed on or about March 31, 2009. Respondent is also licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0011154. This license was originally issued on or about April 10, 2001 and lapsed on or about January 31, 2003.
3. On or about February 12, 2008, the Board received a complaint from Dr. R.G., advising that Respondent is under investigation by local, state, and federal authorities for fraud.
4. Respondent and Dr. R.G. had been in a personal relationship that ended prior to Dr. R.G.'s report to the Board.
5. On or about May 23, 2008 in an interview with State Investigator Gregory Kelly, Dr. R.G. stated that in or around August 2006, Respondent advised her insurance company that she had lost the engagement ring Dr. R.G. gave her, when in reality, she did not lose the ring. Dr. R.G. advised Respondent obtained a reimbursement of

STATE OF VERMONT


Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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\$8,000.00 (eight thousand dollars) for this fraudulent claim. Moreover, Dr. R.G. advised that after his relationship with Respondent ended, he found out that Respondent had fraudulently and without his permission opened a credit card in Dr. R.G.'s name and charged approximately \$22,000 (twenty-two thousand dollars) in purchases onto this card without his permission.

6. On or about January 9, 2009 in an interview with Investigator Kelly, Respondent admitted that she had reported to her insurance agency that she had lost the engagement ring Dr. R.G. had given her in order to be paid \$8,000.00 for the ring, when the ring was never lost.
7. In this same interview, Respondent admitted that she had opened a credit card in Dr. R.G.'s name without Dr. R.G.'s knowledge in or around March 2007 and charged purchases on the card without Dr. R.G.'s knowledge.
8. In this same interview, Respondent advised that she knew what she did was wrong. Respondent stated her actions were acts of "total desperation." Respondent advised the money she fraudulently obtained was used in part to enable her to move to Colorado.
9. Respondent currently works as a nurse in Denver, Colorado at Denver Children's Hospital.
10. On or about April 10, 2010 pursuant to a Notice of Plea Agreement, Respondent agreed to plead Nolo Contendere to the charge of False Pretense or False Tokens \$900 or Less (a misdemeanor) in Chittenden District Court under docket number 1030-3-10 Cncl. If agreed to by the court, Respondent will be required to pay a fine of approximately \$256.00; pay restitution in the amount of \$8,205.00 to State Farm; and pay restitution in the amount of \$13,877.14 to Chase Bank.

Charges

11. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(3) (Inability to practice nursing competently by reason of any cause) which includes failure to conform to the essential standards of acceptable and prevailing practice, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes aiding, abetting, or assisting any person in any act in violation of this chapter or acts against the best interest of the public, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(10); and

STATE OF VERMONT



- c. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

12. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
18. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
19. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is ORDERED AND ADJUDGED as follows:

- A. The Board hereby **CONDITIONS** Respondent's license to practice as a registered nurse **FOR A MINIMUM OF ONE (1) YEAR AND UNTIL RESPONDENT COMPLETES ANY CONDITIONS OR RESTITUTION ORDERED BY CHITTENDEN DISTRICT COURT** from the date of entry below. The conditions are as follows:

(1) Re-issue of License

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

STATE OF VERMONT



Presiding Attorney
Office of
Professional Regulation
9 Dildwin Street
Montpelier, VT
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The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of one (1) year of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(3) Notification to Employers/Program Director.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(4) Reports from Employers/Program Director.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of nursing employment and monthly thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance and attendance.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. All Program Director reports shall indicate satisfactory performance and attendance.

(5) Ethics Course(s).

Respondent must successfully complete (i.e., receive a passing grade, if applicable) an ethics course(s) focusing on ethics with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(6) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has on-site supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

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(7) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, home health care agency, temporary nursing employment agency or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

(8) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(9) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(10) Out-of-State Practice.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing as a nurse outside the State of Vermont. If Respondent fails to receive such approval before practicing as a nurse outside the State of Vermont, none of the time spent practicing as a nurse out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

(11) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(12) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

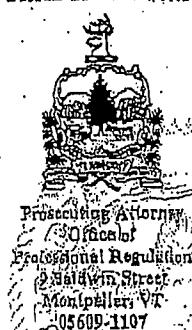
(13) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(14) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct

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is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(15) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 5-10-10

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
BetsyAnn Wrask
State Prosecuting Attorney

SARAH N. LINTON
RESPONDENT

Dated: 5/10/10

By: [Signature]
Sarah N. Linton

APPROVED AS TO FORM:

Dated: _____

ATTORNEY FOR RESPONDENT

By: _____
Brooks G. McArthur, Esq.

STATE OF VERMONT



APPROVED AND SO ORDERED:

Dated: 5-10-10

Date of Entry: 5/12/10

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: _____

By: _____
Betsy Ann Wrask
State Prosecuting Attorney

SARAH N. LINTON
RESPONDENT

Dated: 5/10/10

By: _____
Sarah N. Linton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 5/10/10

By: _____
Brooks G. McArthur, Esq.

STATE OF VERMONT



APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: _____

By: _____
Chairperson

Date of Entry: _____

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